

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

**HERITAGE PACIFIC FINANCIAL,
LLC,**

Plaintiff/Judgment Debtor

vs.

JESUS MONTANO,

Defendant/Judgment Creditor

Case No. 4:13-mc-00010

**INTERROGATORIES DIRECTED
TO GARNISHEE—CAPITAL ONE**

Judge Richard A. Schell

TO: Capital One, National Association

Note: This garnishment is directed to any and all property belonging to and assets of Plaintiff and Judgment Debtor Heritage Pacific Financial, LLC, 2200 K Avenue, Plano, TX, including but not limited to any and all depository accounts held in the name of or for the benefit of Heritage Pacific Financial, LLC, any income or debts due to said Plaintiff and Judgment Debtor, and any other property of whatever type belonging to Plaintiff and Judgment Debtor individually or jointly with any other person or entity, which is in your custody or control, and which is subject to garnishment.

INSTRUCTIONS:

1. If you are a DEPOSITORY such as a BANK OR SAVINGS AND LOAN, you are required to hold funds in the account of the judgment debtor as directed by the Writ of Garnishment. If any further funds subject to garnishment are deposited by the judgment debtor, these funds must be held also. You are responsible for all funds in the account or deposited into the account from the date you get these papers until the return date shown on the garnishment papers.

2. You are to answer interrogatories UNDER OATH within fifteen days after the date of service of the writ and mail the ORIGINAL to:

Clerk, United States District Court
7940 Preston Road
Room 101
Plano, TX 75024

and a COPY to the attorney of the Judgment Creditor listed below:

Tessa Meyer Santiago
LINCOLN LAW
921 W. Center Street
Orem, UT 84057

Comes now, Jesus Edgar Montano, pursuant to Rule 69 of the Federal Rules of Civil Procedure and Texas Code CP §63.001et seq., and exhibits the following interrogatories to be answered by the Garnishee, under oath, within fifteen (15) days of the date of service.

1. At the time of the service of the garnishment, had you, or have you since the time had, or have you now in your possession, custody or charge, any goods, chattels, monies, credits or effects belonging to the Judgment Debtor, Heritage Pacific Financial, LLC, individually or jointly with any other person or entity? If so, state what they were or are, their value and identify each joint owner or co-owner, and attach copies of any documents reflecting the identity and/or ownership of any such goods, chattels, monies, credits of effects to your answer.

ANSWER:

- a. At the time of service of garnishment: _____

- b. At the time the garnishee answered the garnishment:

- c. Between the time of service of the garnishment and the time the garnishee answered the garnishment: _____

2. At the time of the service of the garnishment, were you, or have you since become, or are you now in anyway indebted to the Plaintiff and Judgment Debtor, Heritage Pacific Financial, LLC? If your answer is “yes,” state to what extent and in what manner the debt accrued, and if evidenced by any instrument in writing, describe the same and state what has become of the same and under whose custody it is held, and attach a copy of this instrument to your answer.

ANSWER:

3. At the time you were served as Garnishee, or since that time, have you become, or are you now bound under any contracts to pay the Plaintiff and Judgment Debtor, directly or to any other party on account of the Plaintiff and Judgment Debtor, any monies which are not yet due? If your answer is “yes,” state the nature of said contract, the names of the contracting parties, the amount of money to become due thereunder, when the same was or is due and payable, exactly to whom the money is due and attach a copy of said contract to your answer.

ANSWER:

4. Have you paid to Plaintiff and Judgment Debtor, Heritage Pacific Financial, LLC, or to anyone acting as its agent, or to anyone in its behalf, or to anyone on account of Plaintiff and Judgment Debtor, Heritage Pacific Financial, LLC, any money, property or effects since the time the garnishment summons herein was served on you? If your answer is “yes,” state when the same was paid, the amount and nature of said payment and to whom it was paid, in what capacity the recipient received it and if paid under the terms of a contract, attach a copy of said contract.

ANSWER:

LINCOLN LAW, LLC

By: /s/ Tessa Meyer Santiago

TESSA MEYER SANTIAGO
Attorney for Judgment Creditor
921 W. Center Street
Orem, UT 84057
tms@lincolnlaw.com

ATTESTATION TO BE COMPLETED BY GARNISHEE

STATE OF _____)
) SS.
CITY OF _____)

_____, being first duly sworn and upon oath, states that the foregoing answers to Interrogatories are true and correct to the best of his knowledge, information and belief.

BY: _____

Subscribed and sworn before me this ____ day of _____, 2013.

Notary Public

My Commission expires _____

GARNISHEE'S CERTIFICATE OF SERVICE

A copy of the foregoing Answers of Garnishee to Interrogatories was served upon Tessa Meyer Santiago, Attorney for Judgment Creditor, 921 W. Center Street, Orem, UT 84057, by mailing the same this _____ day of _____, 2013.

Garnishee